

OF THE CITY OF LODI,  
LODI, CALIFORNIA.

WHEREAS, under the terms of a deed dated January 9, 1929, delivered to and accepted by the City of Lodi in accordance with Resolution Nos. 566 and 567, by which Colorado Power Company conveyed to the City of Lodi certain riparian lands and water rights situate on and along the Mokelumne River in Calaveras and Amador Counties, California, more particularly described in said deed, the City of Lodi was required to perform certain conditions subsequent, as a prerequisite to retaining title thereunder; and

WHEREAS, by five certain supplementary deeds, the times for the performance of said conditions subsequent have been extended by Colorado Power Company, all as appears by the recorded deeds; and

WHEREAS, the City of Lodi, grantee therein, has met and discharged the requirements of conditions subsequent numbered "One" and "Two" as is acknowledged in the "Fifth Supplement to Deed" and has fully performed the requirements of condition "Three" of said deed and supplementary deeds <sup>to the extent of</sup> calling and holding an election to vote bonds for the construction of the project works therein, which election was held and conducted on the 12th day of September, 1935 and the said Colorado Power Company was given notice of said election and of the result thereof; and,

WHEREAS, the City of Lodi is the recipient of a certain offer of a grant and loan of money from the United States of America that will assist said City in the construction of said project works; and

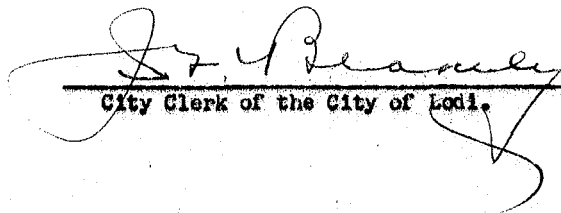
WHEREAS, the City of Lodi is restrained and enjoined from the selling of the bonds authorized to be issued at the said election of September 12, 1935 and/or from the expenditure of any moneys received from the sale of said bonds or received from any loan and grant from the United States of America by reason of certain law-suits filed by the Pacific Gas & Electric Company against said City and now pending in the Federal and State Courts, so that said City is prevented by force from performing <sup>the remainder</sup> ~~and all of~~ conditions subsequent Nos. <sup>"Three"</sup> "Four", "Five" and "Six" of said deed and deeds supplementary thereto;

THEREFORE BE IT RESOLVED, that this City Council of the City of Lodi do hereby request the said Colorado Power Company to extend the time allowed by said deed of January 9, 1929, as already extended by said five supplementary deeds (particularly by said "Fifth" Supplement to Deed) for an additional period of one year, within which the <sup>Remaining</sup> conditions enumerated in said deed dated January 9, 1929, as conditions numbered <sup>"Third"</sup> "Fourth", "Fifth" and "Sixth" may be performed and complied with by the City of Lodi, grantee thereunder, upon the same understanding by the City of Lodi as set forth in said Resolution Nos. 566 and 567.

BE IT RESOLVED FURTHER, that a certified copy of this Resolution be transmitted by the City Clerk to Colorado Power Company for its consideration, together with a request that said Company shall, if agreeable thereto, caused to be transmitted to the said City Clerk, a duly executed supplementary deed on or before December 2, 1935.

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Certified to be a full, true and correct copy of Resolution No. 815 of the City Council of the City of Lodi and that the same was regularly passed and adopted by said City Council in regular session held Monday, November 18, 1935.

  
City Clerk of the City of Lodi.

